

ORDINANCE NO. 2008-17-CM
AMENDING TIPPECANOE COUNTY CODE
ADDING NEW CHAPTER 34 SECTION 34.63
PROSECUTOR'S CHECK DEFERRAL FUND

WHEREAS, IC 36-1-3-2 grants the Board of Commissioners all the powers that they need for the effective operation of government as to local affairs; and

WHEREAS, IC 36-1-3-6 states that if there is no constitutional or statutory provision requiring a specific manner for exercising a power, the Board of County Commissioners may adopt an ordinance prescribing a specific manner for exercising a power; and

WHEREAS, the Board of Commissioners of Tippecanoe County has been advised by the Tippecanoe County Prosecutor's office of its desire to institute a check collection program which will obtain restitution for victims of bad checks while deterring repeat offenders and

WHEREAS, fees will be collected from participants associated with such check collection program, a portion of which will be returned to the Tippecanoe County Prosecutor's office; and

WHEREAS, the Board of Commissioners desires to establish a Prosecutor's Check Deferral Fund to provide a holding account for the receipt of service fees and charges collected in the administration of the Prosecutor's Check Deception Program; and

WHEREAS, said funds shall be appropriated and spent in accordance with the general rules to which other funds of the County are subject. All service fees and charges, which are collected in the administration of the Prosecutor's Check Deception Program shall be deposited in the Prosecutor's Check Deferral Fund. No funds from other sources shall be deposited in the fund. Funds shall only be spent to supplement the Tippecanoe County Prosecuting attorney's office and not supplant funding of same; and

WHEREAS, all amounts remaining in the Prosecutor's Check Deferral Fund at the end of the year shall not revert, that shall continue to remain in said fund for the purpose set forth above. Such balances shall not lapse into the County General Fund, or every be directly or indirectly diverted in any manner to uses other than those stated above;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Tippecanoe County, Indiana, that the Tippecanoe County Code be amended to add a new Chapter 34 Section 34.63 reading as follows:

- (a) There is hereby established the Tippecanoe County Prosecutor Check Deferral Fund.

(b) All monies received by the Tippecanoe County Prosecutor's office from the Prosecutor's Check Deception Program shall be received and deposited into the Prosecutor's Check Deferral Fund established in the office of Tippecanoe County Auditor. The Prosecutor's Check Deferral Fund shall be used for costs associated with the general expenses of the Tippecanoe County Prosecutor's office at the discretion of the Tippecanoe County prosecuting attorney and subject to appropriation by the Tippecanoe County Council. The Prosecutor's Check Deferral Fund shall remain in existence and remain perpetual in its terms until amended or terminated by subsequent ordinance enacted by the Tippecanoe County Board of Commissioners. Monies collected shall remain in the Prosecutor's Check Deferral Fund and shall not revert to the County General Fund.

This Ordinance shall be in full force and effect immediately upon its passage and signing.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this 6th day of October, 2008, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE

yes

Ruth E. Shedd
Ruth Shedd, President

yes

John Knochel
John Knochel, Vice President

—

absent
KD Benson, Member

ATTEST:

Jennifer Weston, Auditor of
Jennifer Weston, Auditor of
Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this 6th day of October, 2008, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE

yes

Ruth E. Shedd
Ruth Shedd, President

yes

John Knochel
John Knochel, Vice President

-

absent
KD Benson, Member

ATTEST:

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